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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 KATRI RILEY-LEE,

Case No. 10-cv-0944-RAJ-JPD

10 Plaintiff,

REPORT AND RECOMMENDATION

11 v.

12 USA COURTHOUSE,

13 Defendant.

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16 Plaintiff, proceeding pro se, has filed an application to proceed in forma pauperis
17 ("IFP") in this proposed civil rights lawsuit. Dkt. No. 1. After careful consideration of
18 Plaintiff's IFP application, proposed complaint, the governing law and the balance of the
19 record, the Court recommends that the case be DISMISSED without prejudice and that the IFP
20 application be DENIED as moot.

21 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed
22 IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief
23 can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v. Doe*, 920 F.2d 614, 616
24 (9th Cir. 1990). An action is frivolous if "it lacks an arguable basis either in law or in fact."
25 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The fact that the plaintiff is not a prisoner does

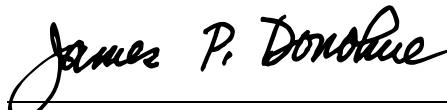
1 not change this analysis. *See Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (“[S]ection
2 1915(e) applies to all in forma pauperis complaints, not just those filed by prisoners.”).

3 Here, Plaintiff’s proposed complaint appears frivolous and fails to state a claim upon
4 which relief can be granted. *See* Dkt. No. 1, Att. 1. Indeed, the proposed complaint is simply
5 incomprehensible. *Id.* Additionally, Plaintiff has failed to name a proper defendant amenable
6 to suit. Because this action appears frivolous and fails to state a claim upon which relief can be
7 granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil
8 Procedure 12(b)(6).

9 The Court advises Plaintiff of her responsibility to research the facts and law before
10 filing a complaint in federal court in order to determine whether her claim for relief is
11 frivolous. If Plaintiff files another frivolous action in this court, she may be sanctioned. *See*
12 FED. R. CIV. PRO. 11.

13 Accordingly, the Court recommends that this case be DISMISSED without prejudice
14 and that the IFP application be DENIED as moot. *See* 28 U.S.C. § 1915(e)(2)(B). A proposed
15 order accompanies this Report and Recommendation.

16 DATED this 14th day of June, 2010.

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18 JAMES P. DONOHUE
19 United States Magistrate Judge